In the High Court of Judicature at Madras

Dated : 18.08.2006

Corm:

The Honourable Mr.Justice P.JYOTHIMANI

W.P.No.24888 of 2006
and
M.P.1 of 2006

D.Govindraj .. Petitioner

vs.

The District Forest Officer,
District Forest Office, Vellore-04. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus, calling for the record of the transfer order issued by the respondent in Pa.Aa.No.226/06 dated 21.07.2006 and quash the same as illegal and the respondent may be directed to retain the petitioner in the same station of Gudiyatham Range and Sadgar Forest Check Post now the petitioner is working.

For Petitioner : Mr.K.Shahul Hameed
For Respondent : Mr.Titus Jeusdoss,
Spl.Govt.Pleader (Forest)

O R D E R

Admittedly, as against the impugned order of transfer passed by the respondent dated 21.07.2006, the petitioner has right of appeal to the Chief Conservator of Forests as per Rule 57 of the Tamil Nadu State and Subordinate Services Rules, which was introduced vide G.O.Ms.No.35 P&AR (S) Department dated 30.1.1996, which runs as follows:

(a) Where no specific provision for appeal or review is made in these rules, or in the specific Rules against any order passed under the said rules for redressal of grievances, an appeal or review, as the case may be, shall lie to the authority to which an appeal or review petition would lie against an order of dismissal;

(b) An appeal or review under sub-rule (a) shall be preferred within two months from the date of receipt of the orders by the appellant or the review petitioner, as the case may be;

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(c) Every appeal or review under sub-rule (a) shall be deposited of within four months from the date of the receipt of the appeal or review petition;

(d) The appellate or reviewing authority may issue interim directions as it deems fit, pending final decision thereon in order to avoid any irreparable loss to the appellant or review petitioner or to avoid administrative inconvenience.

2. Inasmuch as alternative remedy is available to the petitioner, the writ petition filed under Article 226 of the Constitution of India cannot be entertained.

3. In view of the same, giving liberty to the petitioner to approach the appellate authority as per Rule 57 of the Tamil Nadu State and Subordinate Services Rules, the writ petition stands dismissed.

4. The petitioner is permitted to file appeal within a period of two weeks from the date of receipt of a copy of this order and on receipt of such appeal petition, the appellate authority shall dispose of the same within a period of two weeks thereafter.

5. It is also stated that the petitioner has not been relieved based on the impugned order of transfer. If the petitioner is not relieved, the status quo as on date shall be maintained till the disposal of the appeal. No costs. Consequently, connected M.P. is also dismissed.

sgl

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The District Forest Officer,
District Forest Office,
Vellore-04.

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1 cc To Mr.K.Shakul Hameed, Advocate, SR.37002.
1 cc To The Special Government Pleader (Taxes), SR.37034.

W.P.No.24888 of 2006

BK(CO)
RVL 25.08.2006

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